



City of El Paso – City Plan Commission Staff Report

Case No: PZST12-00007
Application Type: Special Permit
CPC Hearing Date: August 9, 2012
Staff Planner: Esther Guerrero, (915) 541-4720, guerreroex@elpasotexas.gov
Location: 8700 Dyer Street
Legal Description: Tracts 24-A-1, 25A, 25-C and a portion of Tracts 24-A and 29-A, Section 9, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas
Acreage: 64.735 acres
Rep District: 2
Zoning: R-4 (Residential) and A-M/sc (Apartment/Mobile Home Park/special contract)
Existing Use: Cemetery & Mausoleum
Request: Special Permit to allow a cemetery and mausoleum in an R-4 (Residential) and A-M (Apartment/Mobile Home Park) District; and to release all zoning conditions imposed per Ordinance No. 3892, and contract dated February 12, 1968
Proposed Use: Cemetery & Mausoleum
Property Owner: SCI Texas Funeral Services, Inc., d/b/a Restlawn Memorial Park
Representative: Conde, Inc.

SURROUNDING ZONING AND LAND USE

North: C-1 (Commercial) / commercial retail uses
South: C-3 (Commercial), R-4 (Residential) / single-family residential, commercial uses
East: R-4 (Residential) / single-family residential
West: C-3 (Commercial) / funeral home, commercial uses

Plan El Paso Designation: O-1- Preserve, (Northeast Planning Area)

Nearest Park: Wellington Chew Park (2,397 ft.)

Nearest School: Moya Elementary (624 ft.)

NEIGHBORHOOD ASSOCIATIONS

Mountainview Neighborhood Association

NEIGHBORHOOD INPUT

Notices of the August 9, 2012, public hearing were mailed to all property owners within 300 feet of the subject property on July 23, 2012. The Planning Division has received 12 phone calls from abutting property owners requesting additional information. Several residents requested that the applicant provide a masonry wall of at least six (6) or eight (8) feet in height, and a landscape buffer with high profile trees abutting the residential lots to the south and east of the subject property.

A six (6) foot masonry wall is required by City Code between residential uses and non-residential uses by the owner of the property having the non-residential use.

APPLICATION DESCRIPTION

The applicant is requesting a special permit to allow a cemetery and mausoleum in an R-4 (Residential) and A-M (Apartment/Mobile Home Park) zoning district as required by City Code, and to release all zoning conditions imposed per Ordinance No. 3892 (see Attachment 4).

The zoning conditions are as follows:

1. *The location, design, construction and use of all structures will conform with all standards, restrictions and requirements set forth in the site development plan entitled "Plot Plan, 4888 Alps" and on file in the office of the City Clerk of the City of El Paso, and made a part of this contract and incorporated by reference thereto.*
2. *First Parties will construct and maintain solid six-foot high walls along the east and south property lines in order to screen any A-M use on the property from view from the east and south. Such walls shall be constructed before any A-M use is made of the property.*
3. *The property will contain more than 218 trailer spaces and such spaces will not be used for overnight, transient occupancy.*
4. *Lot 2084 in Block 85 of the Mountain View Addition will not be used for access to or exit from the property.*
5. *First Parties will install and maintain 6-inch water mains equipped with enough fire hydrants so that no trailer space on the property will be more than 500 feet from a fire hydrant. First Parties will pay all charges for said water mains and all rental charges for the fire hydrants.*

The site plan shows the existing cemetery, mausoleum, office and future expansion is planned for the cemetery for burial lots with access via Dyer Street.

CITY DEVELOPMENT DEPARTMENT-PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of the special permit and the release of all zoning conditions imposed per Ordinance No. 3892.

Plan El Paso-Future Land Use Map Designation

All applications for special permit shall demonstrate compliance with the following criteria:

O-1 – Preserve: Publicly owned land such as the Franklin Mountains and Hueco Tanks State Parks, all City and County parks and public drainage areas, and cemeteries (even if private). These lands will not be developed due to their ownership and current use.

The purpose of the R-4 (Residential) light residential district is to promote and preserve residential development within the City to create basic neighborhood units. It is intended that the district regulations maintain a low density of dwelling units supporting a suburban-urban interface that permits developments utilizing varying lot configurations. The regulations of the districts will permit primarily single-family and two-family residential areas, and recreational and institutional uses incidental to and serving the neighborhood.

The purpose of the A-M (Apartment/Mobile Home) high residential district is to promote and preserve a diversity of residential dwelling types at the highest densities within the City and to provide for the integration of compatible business and professional office uses to complement the areas. It is intended that the district regulations allow for concentrations of population through the use of multi-story facilities. The regulations of the districts will permit site diversification for high-density residential development in which adequate public facilities are available for present and future needs.

City Development Department Section Comments

Planning

No objections to the special permit request or zoning condition release.

Note: All existing / proposed paths of travel, accessible sidewalks, wheel chair access curb ramps and driveways within public right-of-ways shall be in compliance with current ADA /TAS rules and regulations and Current City of El Paso Design Standards for Construction.

Permits & Inspections

No comments received.

Land Development

-Grading plan and permit shall be required.*

-Storm Water Pollution Prevention Plan and/or permit required.*

-Drainage plans must be approved by the City Development Department, Land Development Section.*

* This requirement will be applied at the time of development.

Fire Department

Recommend approval of “site plan” as presented and does not adversely affect fire department at this time.

** Note: a more detailed reviewed will be done by fire plan review during the permitting process

Police Department (Northeast Regional Command Center)

Applications and plans for cemetery/mausoleum project at area of Dyer and Alps have been reviewed, and there are no objections or comments.

El Paso Water Utilities

1. EPWU does not object to this request.

EPWU-PSB Comments

Water:

2. There is an existing thirty-six (36) inch diameter water main that extends along Dyer Street fronting the western boundary of the subject property. No direct service connections are allowed to this 36-inch water main as per the El Paso Water Utilities – Public Service Board Rules and Regulations.

3. There is an existing six (6) inch diameter water main that extends along Dyer Street fronting the western boundary of the subject property. This water main is available for service.

4. There is an existing six (6) inch diameter water main that extends along Alps Drive fronting the northeastern boundary of the subject property. This water main is available for service.

5. EPWU records indicate there is an existing ¾-inch water service connection at the subject property. The addresses for this water service is 8700 Dyer Street.

6. Previous water pressure readings from a fire hydrant located at the southwest intersection of Dyer Street and Alps Drive have yielded a static pressure of 112 pounds per square inch (psi), a residual pressure of 94 psi, a pitot pressure of 1363 pounds per square inch, and a discharge of 3414 gallons per minute.

7. The owner should, for his own protection and at his own expense, install at the discharge side of each water meter a pressure regulator, strainer and relief valve, to be set for pressure as desired by the customer. The Lot owner shall be responsible for the operation and maintenance of the above-described water pressure regulating device.

Sanitary Sewer:

8. There is an existing twelve (12) inch diameter sanitary sewer main that extends along Dyer Street fronting the western boundary of the subject property. This sanitary sewer main is available for service.

9. There is an existing six (6) inch diameter sanitary sewer main that extends along Alps Drive fronting the northeastern boundary of the subject property. This sanitary sewer main is available for service.

10. There is an existing fifteen (15) inch diameter sanitary sewer main that extends along the Highway/Drainage easement fronting the southern boundary of the subject property. This sanitary sewer main is available for service.

General:

11. Dyer Street is a Texas Department of Transportation (TxDOT) right-of-way. All proposed water and/or sanitary sewer work to be performed within Dyer Street right-of-way requires permits from TxDOT.

12. Application for additional water services should be made 6 to 8 weeks prior to construction to ensure water for construction work. New service applications are available at 1154 Hawkins, 3rd Floor. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the special permit application and condition release:

1. Recommend approval of the application finding that it is in conformance with the review criteria for Plan El

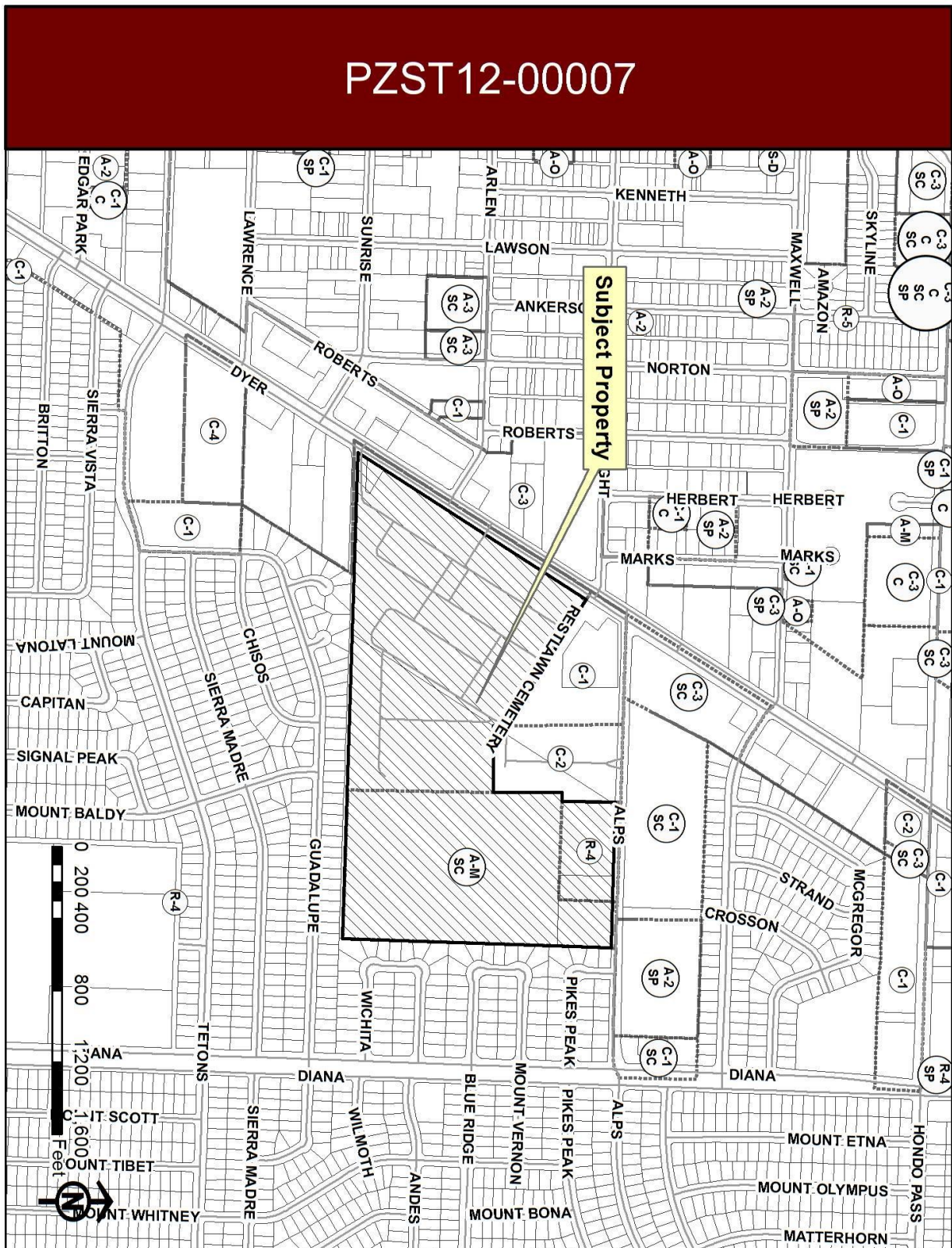
Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.

2. Recommend approval of the application with modifications to bring it into conformance with the review criteria for Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that it does not conform to the review criteria for Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

1. Location Map
2. Aerial Map
3. Detailed Site Development Plan
4. Ordinance No. 3892

ATTACHMENT 1: LOCATION MAP

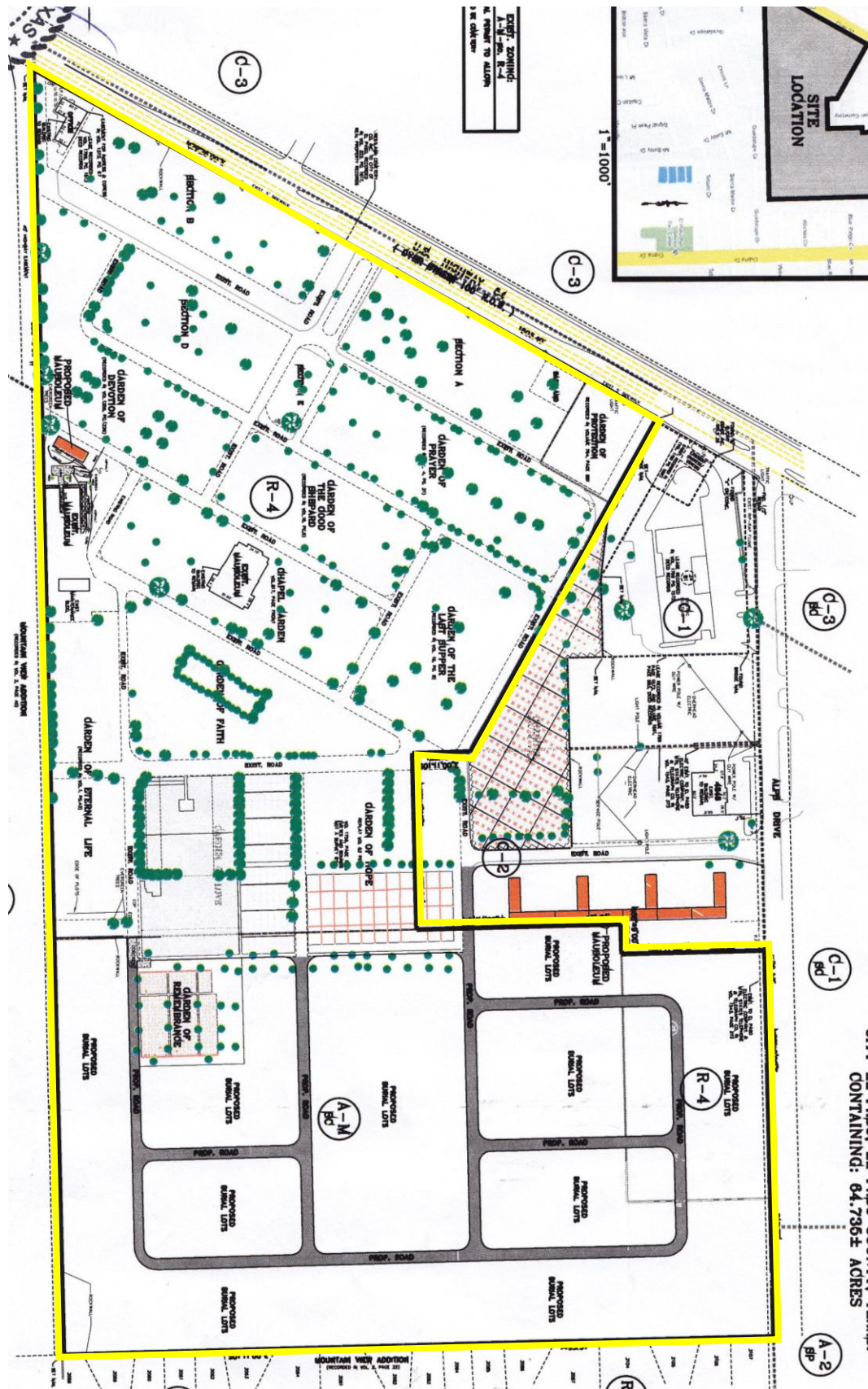


ATTACHMENT 2: AERIAL MAP

PZST12-00007



ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ORDINANCE NO. 3892

FIRST READING

Date

City Clerk

City Council

City Manager

City Attorney

3892

AN ORDINANCE CHANGING THE
ZONING OF PORTIONS OF TRACT
29A AND TRACT 25A, BLOCK 81,
TOWNSHIP 2, SECTION 9, T & P
RR SURVEYS, THE PENALTY BEING
AS PROVIDED IN SECTION 25-10 OF
THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of the following described portions of Tracts 29A
and 25A, Block 81, Township 2, Section 9, T & P RR Surveys, El Paso
County, Texas, be and is hereby changed to A-M within the meaning of the
Zoning Ordinance, and the zoning map of the City be revised accordingly:

Beginning at the northeast corner of said Tract 25A;
Thence South 1° 11' East a distance of 1493.20 feet;
Thence South 88° 49' West a distance of 875.0 feet;
Thence North 1° 11' West a distance of 1193.20 feet;
Thence North 88° 49' East a distance of 584.86 feet;
Thence North 1° 11' West a distance of 300.0 feet;
Thence North 88° 49' East a distance of 290.04 feet to the
point of beginning, containing 25.96 acres, more or less.

PASSED AND APPROVED this 15 day of September.

1968.

J. Williams
Mayor

ATTEST:

R. H. Habel
City Clerk

3892

50844

CONTRACT

This contract, made this 12th day of July, 1968,
by and between Jack C. Barron, Norman Anderson and Restlawn Cemetery
Company, Inc., a corporation, First Parties, and the City of El Paso, Sec-
ond Party, witnesseth:

Application has been made to the City of El Paso for rezoning the
following described portions of Tract 29A and Tract 25A, Block 81, Town-
ship 2, Section 9, T. & P. R. R. Surveys:

Beginning at the northeast corner of said Tract 25A;

Thence South $1^{\circ} 11'$ East a distance of 1493.20 feet;

Thence South $88^{\circ} 49'$ West a distance of 875.0 feet;

Thence North $1^{\circ} 11'$ West a distance of 1193.20 feet;

Thence North $88^{\circ} 49'$ East a distance of 584.86 feet;

Thence North $1^{\circ} 11'$ West a distance of 300.0 feet;

Thence North $88^{\circ} 49'$ East a distance of 290.04 feet to the
point of beginning, containing 25.96 acres, more or less.

In order to remove certain objections to the rezoning First Parties
covenant that if the property is rezoned to A-M it shall be subject to the fol-
lowing restrictions:

(1) The location, design, construction and use of all structures will
conform with all standards, restrictions and requirements set forth in the
site development plan entitled "Plot Plan, 4888 Alps" and on file in the office
of the City Clerk of the City of El Paso, and made a part of this contract and
incorporated by reference thereto.

(2) First Parties will construct and maintain solid six-foot high
walls along the east and south property lines in order to screen any A-M use
on the property from view from the east and south. Such walls shall be con-
structed before any A-M use is made of the property.

(3) The property will not contain more than 218 trailer spaces and
such spaces will not be used for overnight, transient occupancy.


(4) Lot 2084 in Block 85 of the Mountain View Addition will not be used for access to or exit from the property.

(5) First Parties will install and maintain 6-inch water mains equipped with enough fire hydrants so that no trailer space on the property will be more than 500 feet from a fire hydrant. First Parties will pay all charges for said water mains and all rental charges for the fire hydrants.

This agreement is a restriction, condition and covenant running with the land and a charge and servitude thereon, and shall bind First Parties and their successors in title. Any future conveyance of the land shall contain this restriction, condition and covenant and shall embody this agreement by express reference.

The City may enforce this agreement by injunction or any other legal or equitable remedy. The City Council of the City of El Paso may release the above restrictions, conditions and covenants in its discretion without the consent of any third person who may be benefited thereby.

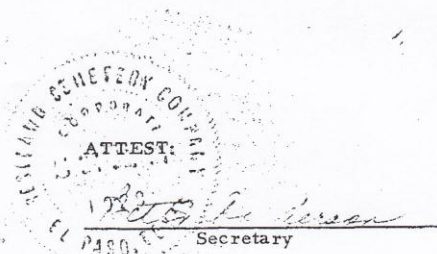
Witness the following signatures and seal:


Jack C. Barron

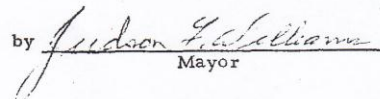

Norman Anderson

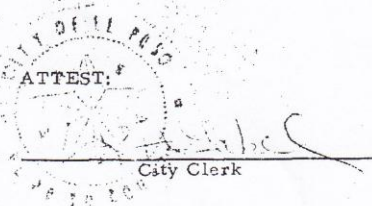
Restlawn Cemetery Company, Inc.

by 
President


Secretary

THE CITY OF EL PASO

by 
Mayor

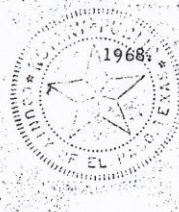

City Clerk

135 2096

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JACK C. BARRON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 12 day of February



Betty Anderson
Notary Public in and for El Paso County,
Texas.

BETTY ANDERSON, Notary Public
in and for El Paso County, Texas
My Comm. Expires 12-12-1968

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared NORMAN ANDERSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and official seal this 12 day of February



Betty Anderson
Notary Public in and for El Paso County,
Texas.

BETTY ANDERSON, Notary Public
in and for El Paso County, Texas
My Comm. Expires 12-12-1968

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared Norman Anderson, President of RESTLAWN CEMETERY COMPANY, INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that the same was the act of said corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and official seal this 12 day of February



Betty Anderson
Notary Public in and for El Paso County,
Texas.

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

Before me, the undersigned authority, on this day personally appeared JUDSON F. WILLIAMS, Mayor of the City of El Paso, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged before me in my county aforesaid that he had executed the same for the purposes and consideration and in the capacity therein expressed, and as the act and deed of the City of El Paso.

Given under my hand and official seal this _____ day of _____, 1968.

Notary Public in and for El Paso County,
Texas.

WILLIAM L. RIEGER, JR., Notary Public
In and for El Paso County, Texas
My commission expires June 1, 1969